

DRAFT

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
December 19, 2005/MINUTES
Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030**

**Council/Agency Meeting
Date: 01/17/2006**

Item# 14

TIME	ITEM	ACTION ON ITEM
	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, December 19, 2005, in a joint regular session.
7:00 PM	ROLL CALL	Present: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector, and Mayor/Chairman Mike Wasserman Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	Jordan Kahler, Forest Gallien, and Reeta Banerjee from the Town's Youth Commission, and Derek Beck from the Recyclery, led the pledge of alliance. The audience was invited to participate.
7:02 PM	CLOSED SESSION	CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION <u>(Government Code Section 54956.9[a])</u> Moreno vs. Town of Los Gatos Mr. Korb stated that direction was given and no action was taken.
7:03 PM	COMMISSION AND COMMITTEE APPOINTMENTS	Council made appointments to the following Commission and Committee. <ul style="list-style-type: none">• Architectural Standards Peggy Dallas• Community Services Commission Curtis Campbell Susan Gomez

<p>7:05 PM</p>	<p>COMMENDATIONS</p>	<p><u>Commendations</u></p> <ul style="list-style-type: none"> • Derek Beck, ReCyclery (Bike recycling for homeless persons). <p>Mayor McNutt presented the commendation to Derek Beck for his community service to the Town.</p> <ul style="list-style-type: none"> • Youth Commission – Verbal report on National League of Cities Conference. <p>Jordan Kahler, Forest Gallien, Reeta Banerjee, Youth Commission Members, shared their ideas and goals they acquired at the National League of Cities Conference.</p>
<p>7:17 PM</p>	<p>CONSENT ITEMS #1-16</p> <p>ITEM #10 WAS PULLED AND HEARD AFTER OTHER BUSINESS</p>	<p><u>TOWN COUNCIL</u></p> <ol style="list-style-type: none"> 1. Accept Schedule of Public Hearings. (1-28) 2. Ratify payroll for the month of November, 2005. (2-V) 3. Ratify accounts payable for November, 2005. (3-V) 4. Accept treasurer's report for October, 2005. (4-2) 5. Adopt Council Committee Appointments effective January, 2006. (5-12) 6. <u>Project 04-61 – La Rinconada Park Trail Repair</u> (6-24) Adopt resolution accepting work of Joseph J. Albanese, Incorporated and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2005-130 7. <u>Police Records and Dispatch System Upgrade Project</u> (7-36) <ol style="list-style-type: none"> a. Adopt resolution authorizing Town Manager to execute an agreement with Jeskell, Incorporated for the purchase of Police CAD and RMS hardware in the amount of \$52,196.22 from account No. 400-0612-77436. RESOLUTION 2005-131 & 2005-138 b. Approve expenditure with Compudyne Public Safety and Justice, Incorporated for Version Management Program technical services in the amount of \$31,514.00 from account No. 400-0612-77436.

**CONSENT ITEMS
#1-16
Continued**

**ITEM #10
WAS PULLED
AND HEARD
AFTER OTHER
BUSINESS**

8. Adopt resolution approving the Memorandum of Understanding between the Town of Los Gatos and the Los Gatos Police Officers' Association for the period January 1, 2006 through December 31, 2007 and authorizing the Town Manager to execute the Memorandum of Understanding. (8-29)
RESOLUTION 2005-132
9. Adopt resolution to revise the current billing rate formula used to calculate the hourly cost of Town staff, inclusive of salary, benefits, and overhead. (9-9) **RESOLUTION 2005-133**
11. Adopt resolution approving modification to an existing Conditional Use Permit Application to expand from beer and wine to full liquor service (Café Marcella) on property zoned C-2. Conditional Use Permit U-06-003 APN: 529-04-053. Property location: 368 Village Lane. Property owner: The Walter Franck Support Trust. Applicant: Café Marcella. (11-15)
RESOLUTION 2005-134
12. Adopt resolution making determination and approving the reorganization of uninhabited territory designated "Hilow Road No. 2", approximately 0.450 acres located at 16439 Hilow Road.
RESOLUTION 2005-135 (13-26)
13. Adopt resolution making determinations and approving the reorganization of uninhabited territory designated "Linda Avenue No. 3," approximately 3.667 acres located at 15881 and 15909 Linda Avenue and 15950 Stephenie Lane (APN: 532-25-020, 021 & 036). (13-26) **RESOLUTION 2005-136**

REDEVELOPMENT AGENCY

14. Ratify accounts payable for November, 2005. (14-V)

	<p>CONSENT ITEMS #1-16 Continued</p> <p>ITEM #10 WAS PULLED AND HEARD AFTER OTHER BUSINESS</p>	<p><u>TOWN COUNCIL/REDEVELOPMENT AGENCY</u></p> <p>15. Approve Council/Agency minutes of December 5, 2005. (14-V)</p> <p>16. <u>Project 04-63 – Main Street Resurfacing and Streetscape Improvements</u> Adopt resolution authorizing the Town Manager/Executive Director to execute a professional services agreement with BKF Engineers to provide engineering design services to the Town in an amount of \$75,464.00 funded from project 930—217. (16-24) RESOLUTION 2005-137 & 2005-15RD</p> <p>Motion by Pirzynski to approve Consent Items #1-9, and #11-16. Seconded by Mr. Glickman.</p>
<p>7:18 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
<p>7:19 PM</p>	<p>VERBAL COMMUNICATION</p>	<p>Marian Cosgrove</p> <ul style="list-style-type: none"> • Commented regarding the certification of records. • Commented on acquiring the records from the Clerk Department which she would like to review for certification. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented regarding the annexation process in Orinda and the Town of Los Gatos.
<p>7:26 PM</p>	<p>CLOSED VERBAL COMMUNICATION</p>	
<p>7:26 PM</p>	<p>PUBLIC HEARINGS</p> <p>ITEM #17</p> <p>16750 FARLEY ROAD</p>	<p><u>ITEM #17</u> Consider an appeal of Planning Commission decision approving a second story addition on property zoned R-1:8. APN: 529-15-097. Property Location: 16750 Farley Road. Architecture and Site Application: S-05-063. Property owner: Glen and Melissa Wagner. Applicant: David Britt. Appellant: William R. Shellooe.</p> <p>Staff report made by Bud Lortz.</p>

7:29 PM	<p>ITEM #17 Continued</p> <p>16750 FARLEY ROAD</p> <p>OPEN PUBLIC HEARING</p>	<p>William Shellooe, Appellant</p> <ul style="list-style-type: none"> • Commented regarding the negative impact on view and light on the western side of his home from the proposed design. • Commented that he would like to see reduction of mass and scale of the proposed home. • Commented on the mass study given to the Planning Commission and the use of the Town's Residential Guidelines for the project. • Commented on the General Plan regarding use, value and enjoyment of property. • Commented on the Planning Commission meetings prior to the appeal.
7:40 PM	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned the appellant regarding the loss of view and sky from the western window. • Asked the appellant for suggestions as to how the neighbors could expand their home with fewer effects on his view.
7:47 PM	<p>PUBLIC HEARING Continued</p>	<p>Melissa and Glen Wagner, Applicants</p> <ul style="list-style-type: none"> • Commented on the roof line adjustments made to the proposed home. • Commented regarding their adjustments to the roofline to stay within the mass and scale suggested by the Planning Commission. • Commented that their existing home and the neighbor's home has little view of the sky. • Commented on moving the home back 23 plus feet to compromise with the neighbors. <p>David Britt, Architect</p> <ul style="list-style-type: none"> • Commented on the design changes to flow with the neighborhood and to meet the neighbor's suggestions. • Commented on the options considered to create the proposed second story home.
7:52 PM	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned if there could be anything else done to the second story home to increase light for the neighbor. • Questioned the property value increase for the neighborhood.

	<p>ITEM #17 Continued</p> <p>16750 FARLEY ROAD</p> <p>PUBLIC HEARING</p>	<p>Mr. Cornwell</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Ms. Grabot</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Mr. Olesen</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Mr. Friedman</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented on land use laws in California. • Commented regarding the General Plan relating to shared views. <p>Ms. Schneider</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Ms. Ratcliff</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Mr. Bundlie</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Mr. Gordon</p> <ul style="list-style-type: none"> • Commented on supporting the proposed design of their neighbor's home. <p>Melissa and Glen Wagner, Applicants</p> <ul style="list-style-type: none"> • Commented on the compromises and changes to meet the neighbors concerns. <p>William Shellooe, Appellant</p> <ul style="list-style-type: none"> • Commented on the view and enjoyment lost if the design is approved.
<p>8:18 PM</p>	<p>CLOSE PUBLIC HEARING</p>	

<p>8:18 PM</p>	<p>ITEM #17 Continued</p> <p>16750 FARLEY ROAD</p> <p>COUNCIL DISCUSSION</p>	<p>Motion by Mr. Pirzynski to uphold the Planning Commission's decision and approve Architecture and Site Application S-05-063. Seconded by Mr. Glickman.</p> <ul style="list-style-type: none"> • Commented on the view from both homes. • Commented on provisions regarding the General Plan relating to view share. • Commented that no error or new information was brought forward in order to grant appeal. • Commented that the light and view were not within the Planning Commission's purview. • Commented that there was no objection to mass and scale. • Confirmed that the direction given at the June 8, 2005 Planning Commission meeting had been followed by the applicant. • Commented that the Architectural and Site Application was thoroughly reviewed by the Planning Commission. • Commented that sight, height, and mass were in compliance with the Town's policies and guidelines.
<p>8:30 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
<p>8:31 PM</p>	<p>MAYOR CALLED FOR A RECESS</p>	<p>Meeting resumed at 8:35 PM.</p>
<p>8:35 PM</p>	<p>PUBLIC HEARINGS Continued</p> <p>ITEM #18</p> <p>TERMINUS OF SHADY LANE</p>	<p>ITEM #18 Consider a request of a proposed hillside planned development to subdivide 66.2 acres into 19 lots on property zoned HR-21/2. It has been determined that the project may cause significant impacts to the environment and an Environmental Impact Report has been prepared. APNs 527-12-001, 527-09-001, 004. Property owner: Highlands of Los Gatos LLC. Applicant: Sandy Harris.</p> <p>Staff report made by Bud Lortz.</p>
<p>8:45 PM</p>	<p>OPEN PUBLIC HEARING</p>	<p>Sandy Harris, Applicant</p> <ul style="list-style-type: none"> • Commented on the options available to bring water hook-up from San Jose Water Company to the neighbors. • Commented that the 19th lot would help mitigate the expense to undertake the improvement to the neighbor's water systems.

	<p>PUBLIC HEARING Continued</p> <p>ITEM #18</p> <p>TERMINUS OF SHADY LANE</p>	<ul style="list-style-type: none"> • Asked for a 30 foot roof height for the proposed homes in the development. • Asked for consideration regarding the slope density when adding the 19th lot. • Commented on the location of the emergency access road to the property. <p>David Fox, Landscape Architect</p> <ul style="list-style-type: none"> • Commented on shaping the homes around the existing roads. • Commented on the development of the homes in the least restrictive areas to reduce grading and the amount of trees that would need to be removed.
<p>8:54 PM</p>	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned the alternative location of the emergency access road. • Clarification on the requested height increase for the proposed homes.
<p>9:02 PM</p>	<p>PUBLIC HEARING</p>	<p>Mr. Harwin</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. • Commented on supporting the proposed water project. <p>Mr. McLaughlin</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. • Commented on the easement for the emergency access road. <p>Mr. Coullahan</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. • Commented on the inadequate water system presently in use by the neighbors. • Commented on the fire risk with the current water system. <p>Ms. Waters</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. • Commented on supporting the proposed water project. <p>Ms. Hlebovy</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. <p>Ms. Harwin</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development.

	<p>PUBLIC HEARING Continued</p> <p>ITEM #18</p> <p>TERMINUS OF SHADY LANE</p>	<p>Mr. Moffat</p> <ul style="list-style-type: none"> • Commented on supporting the proposed development. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented on California State Law relating to zoning and consistency with the General Plan. • Questioned responsibilities if mud slides occur in the open space areas on the property. • Commented on design and peer review relating to the foundations of the proposed homes. <p>Sandy Harris, Applicant</p> <ul style="list-style-type: none"> • Commented that the foundation for the homes has not been proposed at this time. • Commented that the slides are shallow and do not show on any topography. He stated that the slides are thousands of years old, and are insignificant. • Commented that two geological firms have approved the project. • Commented that the Town's Peer Review geo-technician had also approved the project.
9:22 PM	CLOSE PUBLIC HEARING	
9:22 PM	COUNCIL DISCUSSION	Motion by Mr. Wasserman to certify the EIR. Seconded by Pirzynski.
9:25 PM	MAYOR CALLED THE QUESTION	Carried Unanimously.
9:26 PM	COUNCIL DISCUSSION Continued	Motion by Mr. Wasserman to adopt Mitigation Monitoring Plan (Attachment 11) Seconded by Mr. Glickman.
9:26 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
9:27 PM		Direct Clerk Administrator to read the title of the ordinance.
9:28 PM	COUNCIL DISCUSSION Continued	Motion by Mr. Pirzynski to wave the reading of the ordinance. Seconded by Mr. Glickman.
9:29 PM	MAYOR CALLED THE QUESTION	Carried unanimously.

<p>9:29 PM</p>	<p>PUBLIC HEARING Continued</p> <p>ITEM #18</p> <p>TERMINUS OF SHADY LANE</p> <p>COUNCIL DISCUSSION Continued</p>	<p>Motion by Mr Glickman to introduce the ordinance to effectuate Planned development PD-04-2. Seconded by Mr. Pirzynski.</p> <p>Council direction to include:</p> <ul style="list-style-type: none"> • To pursue the procedural steps related to the emergency access roads which would include the end of Francis Oaks Way (EVA-1) and other options. • 19 lot sub division was acceptable. • 25 foot limit on the roof height. <p>Council comment</p> <ul style="list-style-type: none"> • Suggested re-visiting the General Plan and Zoning Ordinances to clarify the density regulations for future planned developments.
<p>9:45 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
<p>9:46 PM</p>	<p>OTHER BUSINESS</p>	<p>None.</p>
<p>9:47 PM</p>	<p>CONSENT ITEMS #1-11 Continued</p> <p>PULLED ITEM #10</p>	<p>ITEM #10</p> <p>10. Adopt ordinance extending an urgency ordinance to streamline the review process for a replacement facility at 15200 Los Gatos Boulevard (Los Gatos Auto Mall). (10-37) ORDINANCE 2146</p> <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented regarding compatibility between adjacent single family residents. • Commented on the height of the new building as suggested in the land use entitlement.
<p>9:52 PM</p>	<p>COUNCIL DISCUSSION</p>	<p>Motion by Mr. Glickman to approve Consent Item #10 Seconded by Mr. Pirzynski.</p>
<p>9:52 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>

9:53 PM	ITEM #16 COUNCIL MATTERS	ITEM #16 None.
9:53 PM	ITEM #17 MANAGER MATTERS	ITEM #17 None.
9:54 PM	MEETING ADJOURNED	

Submitted by:

Attest:

Jackie D. Rose, Deputy Clerk

MarLyn J. Rasmussen, Clerk Administrator
Secretary to the Redevelopment Agency